

Sara B. Brody, SBN 130222
sbrody@sidley.com
Jaime A. Bartlett, SBN 251825
jbartlett@sidley.com
Sarah A. Hemmendinger, SBN 298659
shemmendinger@sidley.com
SIDLEY AUSTIN LLP
555 California Street, Suite 2000
San Francisco, California 94104
Telephone: (415) 772-1200
Facsimile: (415) 772-7400

Norman J. Blears, SBN 95600
nblears@sidley.com
SIDLEY AUSTIN LLP
1001 Page Mill Road, Building 1
Palo Alto, California 94304
Telephone: (650) 565-7000
Facsimile: (650) 565-7100

Robin Wechkin (Admitted *pro hac vice*)
rwechkin@sidley.com
SIDLEY AUSTIN LLP
701 Fifth Avenue, Suite 4200
Seattle, Washington 98104
Telephone: (206) 262-7680

*Attorneys for Defendants Ahmad Chatila, Brian Wuebbels, Martin
Truong, Jeremy Avenier, Emmanuel Hernandez, Antonio R. Alvarez,
Clayton Daley, Jr., Georganne Proctor, Steven Tesoriere, James B.
Williams, and Randy H. Zwirn*

[Additional counsel appear on signature page.]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

COBALT PARTNERS, LP, et al.,
Plaintiffs,

vs.

SUNEDISON, INC., et al.,
Defendants.

Related Case No. 3:16-cv-02263-WHA

STIPULATION AND ~~PROPOSED~~
SCHEDULING ORDER OF ADR
DEADLINES

Judge: Hon. William Alsup

1 GLENVIEW CAPITAL PARTNERS, L.P., et al.,
2 Plaintiffs,

3 vs.

4 SUNEDISON , INC., et al.,
5 Defendants.

Related Case No. 3:16-cv-02264-WHA

6 CHARLES BLOOM, et al.,

7 Plaintiffs,

8 vs.

9 SUNEDISON , INC., et al.,
10 Defendants.

Related Case No. 3:16-cv-02265-WHA

11 OMEGA CAPITAL INVESTORS, L.P., et al.,
12 Plaintiffs,

13 vs.

14 SUNEDISON , INC., et al.,
15 Defendants.

Related Case No. 3:16-cv-02268-WHA

Pursuant to Civil Local Rules 6-2(a) and 7-12, the parties, by and through their respective undersigned counsel of record, submit the following stipulation and proposed order:

WHEREAS, on April 27, 2016 an Initial Case Management Scheduling Order with ADR Deadlines was entered in the case captioned *Cobalt Partners, L.P. v. SunEdison, Inc. et al.*, 3:16-cv-2263 (“*Cobalt*”);

WHEREAS the Initial Case Management Conference in *Cobalt* is set for August 18, 2016. [Dkt. 48], and the corresponding deadline to file ADR Certifications and a Notice of Need for ADR Phone Conference or Stipulation to ADR Process is July 28, 2016;

WHEREAS, on April 28, 2016 an Initial Case Management Scheduling Order with ADR Deadlines was entered in the case captioned *Glenview Capital Partners, L.P. v. SunEdison, Inc. et al.*, 3:16-cv-2264 (“*Glenview*”);

WHEREAS the Initial Case Management Conference in *Glenview* is set for August 18, 2016. [*Glenview* Dkt. 48], and the corresponding deadline to file ADR Certifications and a Notice of Need for ADR Phone Conference or Stipulation to ADR Process is July 28, 2016;

WHEREAS, on April 28, 2016 an Initial Case Management Scheduling Order with ADR Deadlines was entered in the case captioned *Bloom v. SunEdison, Inc. et al.*, 3:16-cv-2265 (“*Bloom*”);

WHEREAS the Initial Case Management Conference in *Bloom* is set for August 18, 2016. [*Bloom* Dkt. 20], and the corresponding deadline to file ADR Certifications and a Notice of Need for ADR Phone Conference or Stipulation to ADR Process is July 28, 2016;

WHEREAS, on April 27, 2016 an Initial Case Management Scheduling Order with ADR Deadlines was entered in the case captioned *Omega Capital Partners L.P. v. SunEdison, Inc. et al.*, 3:16-cv-2268 (“*Omega*”);

WHEREAS the Initial Case Management Conference in *Omega* is set for August 18, 2016. [*Omega* Dkt. 43], and the corresponding deadline to file ADR Certifications and a Notice of Need for ADR Phone Conference or Stipulation to ADR Process is July 28, 2016;

WHEREAS, Defendants have requested additional time to fully discuss available ADR options with their clients, many of whom are individuals, and to gather their clients’ signatures;

1 WHEREAS, Defendants have met and conferred with Plaintiffs over the requested
2 extension, and agreed to extend the deadline to file the ADR Certifications and a Notice of Need
3 for ADR Phone Conference or Stipulation to ADR Process until August 11, 2016;

4 WHEREAS, the agreed extension will not delay any scheduled hearings;

5 WHEREAS, Plaintiffs previously agreed to provide Defendants an extension of time to
6 respond to the Complaints in *Cobalt*, *Omega*, and *Glenview*, and Defendants' deadlines to respond
7 in *Omega* and *Glenview* were further extended by grant of Defendants' Administrative Motions to
8 Extend Time, and Plaintiffs in *Bloom* previously agreed that Defendants are not required to
9 respond to the Complaint until after the motion to transfer and motion to remand are decided;

10 WHEREAS, the Court has previously ordered, pursuant to stipulation, an extension of time
11 to file opposition and reply briefs to Defendants' motion to dismiss *Cobalt*;

12 WHEREAS, the Court has previously ordered, pursuant to stipulation, an extension of time
13 to file opposition and reply briefs to Defendants' motions to transfer in *Bloom*, *Cobalt*, *Omega*,
14 and *Glenview*, and Plaintiffs' motions to remand in *Bloom*, *Cobalt*, *Omega*, and *Glenview*;

15 WHEREAS, no other extensions of time have been granted in these actions;

16 NOW THEREFORE, the parties hereby agree, and request the court to order that:

- 17 1. The deadline to file ADR Certifications is extended to August 11, 2016;
18 2. The deadline to file a Notice of Need for ADR Phone Conference or Stipulation to
19 ADR Process is extended to August 11, 2016;
- 20
21
22
23
24
25
26
27
28

1 Dated: July 28, 2016

Respectfully Submitted,

2
3 By: s/ Sara B. Brody

4 Sara B. Brody, SBN 130222
5 SIDLEY AUSTIN LLP
6 555 California Street, Suite 2000
7 San Francisco, California 94104
8 Telephone: (415) 772-1200
9 Facsimile: (415) 772-7400
10 sbrody@sidley.com

11 *Attorneys for SunEdison, Inc., Ahmad Chatila,*
12 *Brian Wuebbels, Martin Truong, Jeremy*
13 *Avenier, Emmanuel Hernandez, Antonio R.*
14 *Alvarez, Clayton Daley, Jr., Georganne*
15 *Proctor, Steven Tesoriere, James B. Williams,*
16 *and Randy H. Zwirn*

17 By: s/ Jie Li

18 Jie (Lisa) Li, SBN 260474
19 WILMER CUTLER PICKERING
20 HALE AND DORR LLP
21 950 Page Mill Road
22 Palo Alto, California 94304
23 Telephone: (650) 858-6000
24 Facsimile (650) 858-6100
25 Lisa.Li@wilmerhale.com

26 Michael Bongiorno (admitted *pro hac vice*)
27 Timothy Perla (admitted *pro hac vice*)
28 WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, Massachusetts 02109
Telephone: (617) 526-6000
Facsimile (617) 526-5000
Michael.Bongiorno@wilmerhale.com
Timothy.Perla@wilmerhale.com

Attorneys for TerraForm Global, Inc., and
Peter Blackmore

1
2
3
4
5
6 By: s/ Ismail J. Ramsey
7 Ismail J. Ramsey (SBN 189820)
8 RAMSEY & EHRLICH LLP
9 803 Hearst Ave
10 Berkeley, CA 94710
11 Tel: (510) 548-3600
12 Fax: (510) 291-3060
13 izzy@ramsey-ehrllich.com

14 Kevin J. O'Connor (Admitted *Pro Hac Vice*)
15 HINCKLEY ALLEN
16 28 State Street
17 Boston, MA 02109-1775
18 Tel: (617) 378-4190
19 Fax: (617) 378-4191
20 koconnor@hinkleyallen.com

21 *Attorneys for Carlos Domenech Zornoza*

22
23 By: s/ Daniel H. Bookin
24 Daniel H. Bookin (SBN 78996)
25 O'MELVENY & MYERS LLP
26 Two Embarcadero Center, 28th Floor
27 San Francisco, CA 94111
28 Telephone: (415) 984-8700
Facsimile: (415) 984-8701
dbookin@omm.com

Attorneys for Alejandro Hernandez

23 By: s/ Patrick D. Robbins
24 Patrick D. Robbins, SBN 152288
25 SHEARMAN & STERLING LLP
26 535 Mission Street, 25th Floor
27 San Francisco, CA 94105
28 Telephone: (415) 616-1210
Facsimile: (415) 616-1199
probbins@shearman.com

Adam S. Hakki (Admitted *pro hac vice*)
Daniel C. Lewis (Admitted *pro hac vice*)
SHEARMAN & STERLING LLP
599 Lexington Avenue
New York, NY 10022-6069
Telephone: (212) 848-4000
Facsimile: (646) 848-4924
ahakki@shearman.com
daniel.lewis@shearman.com

Attorneys for Underwriters

By: s/ Jennifer N. Caringal

Jennifer N. Caringal, SBN 286197
Darren J. Robbins, SBN 168593
James I. Jaconette, SBN 179565
Scott H. Saham, SBN 188355
ROBBINS GELLER RUDMAN & DOWD LLP
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: (619) 231-1058
Facsimilie: (619) 231-7423

Dennis J. Herman, SBN 220163
David W. Hall, SBN 274921
ROBBINS GELLER RUDMAN & DOWD LLP
Post Montgomery Center
One Montgomery Street, Suite 1800
San Francisco, CA 94104
Telephone: (415) 288-4545
Facsimilie: (415) 288-4534

*Attorneys for Plaintiffs Cobalt Partners, L.P.,
Cobalt Partners II, LP, Cobalt Offshore Master
Fund LP, Cobalt KC Partners, LP, Glenview
Capital Partners, L.P., Omega Capital Investors,
L.P., Omega Capital Partners, L.P., Omega
Equity Investors, L.P., Omega Overseas
Partners, LTD, Glenview Institutional Partners,
L.P., Glenview Capital Master Fund, Ltd.,
Glenview Capital Opportunity Fund, L.P.,
Glenview Offshore Opportunity Master Fund,
Ltd.*


By: s/ John Jasnoch

John Jasnoch, (CA. BAR NO. 281605)
JOHN T. JASNOCH
707 Broadway, Suite 1000
San Diego, CA 92101
Telephone: 619 233-4565
Facsimile: (619) 233-0508
jjasnoch@scott-scott.com

*Attorneys for Plaintiffs Charles Bloom and
Sharon Burnstein*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: August 8, 2016.



Honorable William Alsup
United States District Judge